

SENATE BILL 174 (LRB -2171)

An Act to amend 302.37 (2), 302.375 (1m) (intro.) and 302.375 (2); and to create 302.375 (2m) of the statutes; relating to: the use of wine in a religious service in a prison, jail, or house of correction.

2005

11-11.	S.	Introduced by Senators Grothman, Leibham and Olsen ; cosponsored by Representatives Gundrum, Strachota, Bies, Davis, Gronemus, Gunderson, Hahn, Hines, Jensen, Jeskewitz, Krawczyk, Pridemore, Pettis, Van Roy and Vos .	
04-18.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	177
05-04.	S.	Public hearing held.	
06-01.	S.	Public hearing held.	
09-22.	S.	Executive action taken.	
09-26.	S.	Report passage recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2	364
09-26.	S.	Available for scheduling.	
10-19.	S.	Placed on calendar 10-25-2005 by committee on Senate Organization.	
10-25.	S.	Read a second time	405
10-25.	S.	Senate amendment 1 offered by Senator Grothman (LRB a1231)	405
10-25.	S.	Senate amendment 1 adopted	405
10-25.	S.	Ordered to a third reading	405
10-25.	S.	Rules suspended	405
10-25.	S.	Read a third time and passed , Ayes 18, Noes 15	405
10-25.	S.	Ordered immediately messaged	407
10-31.	A.	Received from Senate	560
10-31.	A.	Read first time and referred to committee on Rules	560
11-08.	A.	Placed on calendar 11-10-2005 by committee on Rules.	
11-10.	A.	Rules suspended to withdraw from calendar and take up.	
11-10.	A.	Read a second time.	
11-10.	A.	Placed after Assembly Bill 627 on calendar.	
11-10.	A.	Assembly amendment 1 offered by Representative Colon (LRB a1494).	
11-10.	A.	Point of order that Assembly amendment 1 not germane well taken.	
11-10.	A.	Decision of the Chair appealed, Ayes 57, Noes 38.	
11-10.	A.	Decision of the Chair upheld.	
11-10.	A.	Ordered to a third reading.	
11-10.	A.	Rules suspended.	
11-10.	A.	Read a third time and concurred in , Ayes 76, Noes 15, Paired 6.	
11-10.	A.	Ordered immediately messaged.	
11-11.	S.	Received from Assembly concurred in.	

2005
ENROLLED BILL

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ADOPTED DOCUMENTS:

☒ Orig ☐ Engr ☐ SubAmdt

05-217/1

Amendments to above (if none, write "NONE"): SAH

Corrections - show date (if none, write "NONE"): none

Topic relays

11/14/05
Date

[Signature]
Enrolling Drafter

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2005 SENATE BILL 174

April 18, 2005 - Introduced by Senators GROTHMAN, LEIBHAM and OLSEN, cosponsored by Representatives GUNDRUM, STRACHOTA, BIES, DAVIS, GRONEMUS, GUNDERSON, HAHN, HINES, JENSEN, JESKEWITZ, KRAWCZYK, PRIDEMORE, PETTIS, VAN ROY and VOS. Referred to Committee on Judiciary, Corrections and Privacy.

- 1 **AN ACT** *to amend* 302.37 (2), 302.375 (1m) (intro.) and 302.375 (2); and *to create*
2 302.375 (2m) of the statutes; **relating to:** the use of wine in a religious service
3 in a prison, jail, or house of correction.

Analysis by the Legislative Reference Bureau

Under current law, members of the clergy are permitted to conduct religious services within prisons, jails, and houses of correction at least once each week. Current law also specifies that an inmate is entitled to receive, upon request, religious ministrations and sacraments according to the inmate's faith. Current law, however, also prohibits providing an intoxicating liquor to and the use of an intoxicating liquor by any inmate — prohibitions that could be construed to cover wine used in a religious service.

This bill creates an exception to the prohibitions regarding the provision or use of intoxicating liquor to allow for the use of a reasonable amount of wine in a religious service in a prison, jail, or house of correction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 4 **SECTION 1.** 302.37 (2) of the statutes is amended to read:
5 302.37 (2) Neither Except as provided in s. 302.375 (2m), neither the sheriff
6 or other keeper of any jail nor any other person shall give, sell or deliver to any

SENATE BILL 174**SECTION 1**

1 prisoner for any cause whatever any alcohol beverages unless a physician certifies
2 in writing that the health of the prisoner requires it, in which case the prisoner may
3 be allowed the quantity prescribed.

4 **SECTION 2.** 302.375 (1m) (intro.) of the statutes is amended to read:

5 302.375 (1m) (intro.) ~~Any~~ Except as provided in s. 302.375 (2m), any sheriff,
6 jailer or keeper of any prison, jail or house of correction or any other person who does
7 any of the following with respect to a prisoner within the precincts of any prison, jail
8 or house of correction shall be fined not more than \$10,000 or imprisoned not more
9 than 9 months or both:

10 **SECTION 3.** 302.375 (2) of the statutes is amended to read:

11 302.375 (2) ~~Any~~ Except as provided in s. 302.375 (2m), any prisoner who uses
12 intoxicating liquor in violation of s. 302.37 (2) shall be fined not more than \$10,000
13 or imprisoned for not more than 9 months or both.

14 **SECTION 4.** 302.375 (2m) of the statutes is created to read:

15 302.375 (2m) A member of the clergy may possess a reasonable amount of wine
16 in a prison, jail, or house of correction if he or she intends to use it in a religious
17 service. A member of the clergy may give or deliver a reasonable amount of wine to
18 an inmate and an inmate may consume that wine as part of a religious service. The
19 department is not required to purchase or store wine for an inmate, a chaplain, or
20 any other member of the clergy who is acting under this subsection.

21 (END)

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SAI

**SENATE AMENDMENT 1,
TO 2005 SENATE BILL 174**

October 25, 2005 - Offered by Senator GROTHMAN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 15: delete "a reasonable amount" and substitute "no more than
3 2 ounces".

4 (END)